

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

Cory J. Herthel xx/xx/1983

Case No.

23 M 654

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Jan. 1, 2023, through May 19, 2023 in the county of Brown in the
Eastern District of Wisconsin, the defendant(s) violated:

*Code Section**Offense Description*Title 18, United States Code,
Section 1470

Transmission of obscenity to a minor

Title 18, United States Code,
Sections 2251(a) and (e)

Attempted production of child pornography

This criminal complaint is based on these facts:

See the attached affidavit

☒ Continued on the attached sheet.

Sharon R M McLaughlin

Complainant's signature

Special Agent Sharon McLaughlin

*Printed name and title*Sworn via telephone; transmitted via email
pursuant to Fed. R. Crim. 4.1

Date:

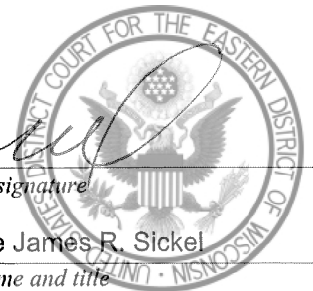
6/2/2023

City and state:

Green Bay, Wisconsin


Judge's signature

Magistrate Judge James R. Sickel

Printed name and title

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

I, Sharon R. McLaughlin, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am currently employed at the Federal Bureau of Investigation (FBI) as a Special Agent (SA) and have been so employed as a law enforcement officer for 8 years. As such, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request warrants. I am currently assigned to the FBI's Milwaukee Division, Green Bay Resident Agency. As part of my duties, I investigated violations pertaining to the attempted production of child pornography pursuant to Title 18, United States Code, Section 2251(a) and transmission of obscenity to a minor pursuant to Title 18, United States Code, Section 1470. I have received training from other law enforcement officers in the investigation and enforcement of federal child pornography and exploitation laws in which electronic devices are used as the means for receiving, transmitting, possessing, and distributing images depicting minors engaged in sexually explicit conduct (hereafter referred to as "child pornography"). I have also received training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, computer evidence identification, computer evidence seizure and processing, and various other criminal laws and procedures.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement agents, officers, and witnesses whom I believe to be truthful and reliable. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe CORY J. HERTHEL, date of birth June 24, 1983, (hereinafter "HERTHEL"), committed violations of Title 18, United States Code, Section 2251(a) "attempted production of child pornography," and Title 18, United States Code, Section 1470 "transmission of obscenity to a minor."

Background and Probable Cause

4. On May 19, 2023, FBI Milwaukee – Green Bay received a complaint call from a supervisory pastor of the Seventh-day Adventist Church in Wisconsin. The Pastor stated they had received verbal and email evidence Pastor CORY HERTHEL of the Seventh-day Adventist Church on Shawano Avenue in Green Bay was involved in child pornography with a fifteen-year-old boy in Venezuela. HERTHEL had apparently met the minor, K.B., while on a missions trip overseas.

5. I reviewed the evidence, which included an email and a photo array. The email came from a woman in Georgia (United States), who learned of the communications with K.B. from her mother in Venezuela. The mother in Venezuela was notified by K.B.'s girlfriend's sister, Evany. Evany had observed KB and his girlfriend had more money than usual. Evany got a hold of K.B.'s and or his girlfriend's phone and therein found videos and pictures of Herthel and K.B. where they would film each other doing sexual things.

6. The email further stated when K.B. was younger he lived in Ecuador and was begging on the streets. This was how K.B. and HERTHEL met. K.B. and HERTHEL then reconnected somewhere along the lines. The email mentioned K.B. had a Facebook account and included a picture of him wearing a black t-shirt with a white polar bear head in a hat and sunglasses.

7. The sexual photographs included photographs of an adult white male, HERTHEL, wearing a blue t-shirt and his penis exposed. HERTHEL's hand was on his penis. There was also a close-up photo of his penis with his hand on it. There were photos of what appear to be an adolescent male, Hispanic skin tone, naked with his penis exposed. The photos appeared to match the photo of K.B. in the black t-shirt provided within the email.

8. There was also a photo of the phone's photo album, which confirmed these photographs of HERTHEL and K.B. were on the same phone. Additional photos showed Zelle payments being transferred between the two and text messages, written in Spanish, including messages of the sentiment "I love you."

9. On June 1, 2023, HERTHEL was interviewed by FBI. During the course of the voluntary

interview, HERTHEL was shown photographs described above. HERTHEL admitted to taking the selfie photos of himself with his naked penis and sending the photos to minor, K.B. HERTHEL stated he knew K.B. was a minor, having met him several years ago and K.B. now being 15 years old.

10. HERTHEL further admitted to sending videos of himself masturbating to K.B.

11. HERTHEL also stated he received naked photos of K.B., as well as videos of K.B. masturbating. HERTHEL admitted to requesting this content from K.B. HERTHEL reviewed and translated the Spanish text messages between himself and K.B., one of the messages being HERTHEL writing (in Spanish) 'Please do something for me soon, ok? Please my son' - HERTHEL stated he was requesting sexual content from K.B. with this message.

12. HERTHEL claimed the exchange of sexual photos/videos occurred only recently, as in within 2023, between approximately January 1, 2023, and May 19, 2023. HERTHEL took photos and videos on his phone, connected to phone number 586-665-9987, and he communicated with K.B. via WhatsApp.

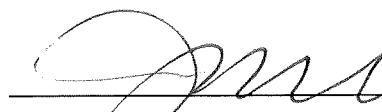
13. Based on the above-stated facts, I believe there is probable cause to believe in the year 2023, in the State and Eastern District of Wisconsin, CORY J. HERTHEL, committed a violation of Title 18, United States Code, Section 2251(a) and (e), "attempted production of child pornography." I further believe there is probable cause to believe in the year 2023, in the State and Eastern District of Wisconsin, CORY J. HERTHEL, committed a violation of Title 18, United States Code, Section 1470, "transmission of obscenity to a minor."

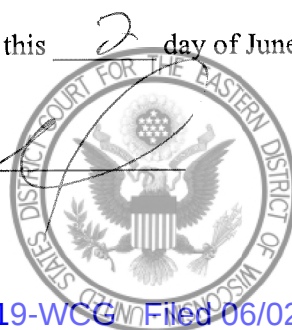


Special Agent Sharon R. McLaughlin

Federal Bureau of Investigation

Subscribed and sworn before me this 2 day of June, 2023.


The Honorable James R. Sickel
United States Magistrate Judge



Agency/Agent:

OCDETF: